

*AUSA*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

v.

Mario Alberto ESPINOZA-Gutierrez  
Defendant.

Magistrate Case No.:

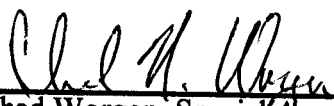
**'08 MJ 8767**

COMPLAINT FOR VIOLATION OF  
21 U.S.C. § 952 and 960  
Importation of a Controlled Substance  
(Felony)

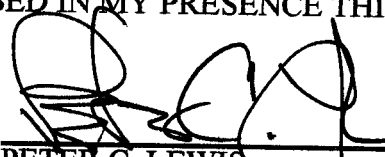
The undersigned complainant being duly sworn states:

That on or about August 22, 2008, within the Southern District of California, defendant Mario Alberto ESPINOZA-Gutierrez did knowingly and intentionally import approximately 42.86 kilograms (94.29 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Probable Cause Statement incorporated herein by reference.

  
Chad Worgen, Special Agent  
U.S. Immigration and  
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 25th  
DAY OF AUGUST 2008.

  
PETER C. LEWIS  
U.S. MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

I, Special Agent Chad N. Worgen with U.S. Immigration and Customs Enforcement, declare under penalty of perjury, the following is true and correct:

On August 22, 2008, Mario Alberto ESPINOZA-Gutierrez entered the United States from Mexico at the Calexico, California West Port of Entry as the driver and sole occupant of a 1997 Chevrolet Malibu. Customs and Border Protection Officer (CBPO) V. Othon was conducting vehicle primary inspections and received a negative oral Customs declaration from ESPINOZA. CBPO Othon observed the vehicle had very few lane crossings. CBPO Othon referred both ESPINOZA and the vehicle to secondary for an intensive inspection.

Canine Enforcement Officer (CEO) C. Randolph was conducting secondary lot sweeps with his Human Narcotics Detector Dog (HNDD) when his HNDD alerted to the front fenders of the Chevrolet Malibu driven by ESPINOZA. CEO Randolph informed CBPO R.A. Castillo of the alert.

CBPO Castillo received a negative oral Customs declaration from ESPINOZA. ESPINOZA stated he owned the vehicle for approximately one year. ESPINOZA stated he was going to Wal-Mart in Calexico. CBPO Castillo conducted an intensive inspection of the front fenders and discovered a package behind the driver's side headlight. CBPO Castillo probed the package, and it produced a green leafy substance that field tested positive for marijuana. A total of forty-six (46) packages of marijuana were removed from both the driver and passenger side front fenders with a total weight of 42.86 kilograms (94.29 pounds).

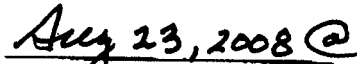
ESPINOZA was arrested for violation of Title 21 United States Code 952 and 960, Importation of Controlled Substances. ESPINOZA was advised of his rights per Miranda. ESPINOZA acknowledged his rights and agreed to answer questions without the presence of an attorney. ESPINOZA stated he knew controlled substances were concealed within the vehicle but did not know specially what type. ESPINOZA stated he was to be paid \$1700.00 dollars to smuggle the controlled substances into the United States. ESPINOZA stated he knew it was illegal to smuggle marijuana.

Executed on August 23, 2008 at 0530 hours.

  
Chad N. Worgen, Special Agent

On the basis of the facts presented in the probable cause statement consisting of one page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on August 22, 2008, in violation of Title 21, United States Code, Sections 952 and 960.

  
Peter C. Lewis, U.S. Magistrate Judge

  
Date/Time Aug 23, 2008 @ 6:10 a.m.